

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Kenny Beacham

Docket No. 7:00-CR-108-1

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenny Beacham, who, upon an earlier plea of guilty to 21 U.S.C. § 841 (a)(1), Possession With Intent to Distribute in Excess of 50 Grams of Cocaine Base, and a Quantity of Cocaine, and a Quantity of Heroin, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 25, 2001, to the custody of the Bureau of Prisons for a term of 141 months. On May 28, 2008, the term of imprisonment was reduced to 120 months pursuant to 18 U.S.C. § 3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
5. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Kenny Beacham was released from custody on January 30, 2009, at which time the term of supervised release commenced.

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On January 5, 2010, Beacham appeared before Your Honor on a Motion for Revocation citing him for using controlled substances and failing to participate in a drug treatment and testing program. The Court revoked the term of supervised release, and imposed a 14 month term of imprisonment, followed by a 46 month term of supervised release. The Court imposed the standard conditions of supervised release, and special conditions requiring Beacham to participate in drug aftercare and consent to warrantless searches.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Beacham was released from imprisonment on December 15, 2010, and was immediately enrolled in an outpatient drug treatment and testing program. Since his release, he has met with his counselor and submitted to urine testing. On January 24, 2011, he submitted a sample for testing and the result was positive for cocaine and morphine. Beacham admitted using cocaine, but attributed the morphine result to a prescription medication he was taking for a toothache. Although Beacham is currently enrolled in the drug treatment program, this early violation for drug use concerns this officer. His counselor reports Beacham is actively engaged in the treatment program and, if given the opportunity to continue, would benefit from his participation. Furthermore, Beacham is also enrolled in school at the local community college. In view thereof, our office recommends the court give Mr. Beacham one last chance and continue supervision. However, it is recommended the court impose conditions requiring him to serve two days in jail, and participate in the DROPS program of intermittent confinement. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the
foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Executed On: March 7, 2011

ORDER OF COURT

Considered and ordered this 7th day of March, 2011, and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge